

MAR 08 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS

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CR- 05-000026-001

March 8, 2006  
9:05 a.m.

## UNITED STATES OF AMERICA -vs- CARL CABRERA

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding  
SANAE SHMULL, Court Reporter  
K. LYNN LEMIEUX, Courtroom Deputy  
TIMOTHY MORAN, Assistant U.S. Attorney  
JAMIE BOWERS, Assistant U. S. Attorney  
TIMOTHY BELLAS, Counsel for Defendant  
CARL CABRERA, Defendant

PROCEEDING: SENTENCING

Defendant was present with his counsel, Attorney Timothy Bellas. Government by Jamie Bowers and Timothy Moran, AUSAs. Also present was U.S. Probation Officer, Melinda Brunson.

Court adopted the presentence investigation report in it's entirety and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had no objections. Court adopted the advisory guidelines.

Government made downward departure motions; 5K1.1 and 18 U.S.C. 5335E.

Government recommended that this defendant receive a sentence of **35 months** incarceration for substantial assistance. Defense moved the Court to adopt the Government's recommendation.

Defendant made his allocution to the Court.

Court GRANTED the Government's downward departure motions.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court

that the defendant **CARL CABRERA** is hereby sentenced to **35 months imprisonment**. While in prison, the defendant shall participate in drug treatment program, anger management and vocational programs as approved by the Bureau of Prisons. After release from imprisonment defendant shall be placed on 60 months of supervised release. The term of supervised release will require that the defendant comply with the following conditions:

1. The defendant shall not commit another federal, state, or local offense;
2. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter not to exceed eight tests per month as directed by the U.S. Probation Officer;
3. The defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office.
4. The defendant shall comply with the standard conditions of supervised release as set forth by the U.S. Sentencing Commission and codified under 18 U.S.C. §3583;
5. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon and shall not have such weapon at his residence;
6. The defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office;
7. The defendant shall refrain from ANY use of alcohol;
8. The defendant shall seek and maintain gainful employment; and
9. The defendant shall perform 300 hours of community service under the direction of the United States Probation Office.

It was further ordered that the defendant pay to the United States a special assessment fee of **\$100** to be paid immediately after sentencing. All fines were waived.

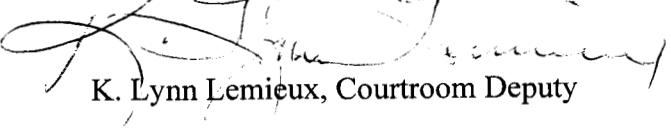
Defense requested that he be allowed to report for supervised release in the District of Guam. Court suggested that Defense take up the matter with the U.S. Probation Office for information about this request.

No objection to the sentence by the attorneys. Defendant was advised that he had 10 days in which to appeal the sentence imposed in his case. Further, he was advised that if he cannot afford an attorney for the appeal the Court will appoint one for him.

Defense requested a two-hour visitation with his family. Court so granted.

Defendant was remanded back into the custody of the U.S. Marshal.

Adj. 9:45 a.m.

  
K. Lynn Lemieux, Courtroom Deputy